

Before the
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Committee on Energy and Commerce
Subcommittee on Commerce, Manufacturing, and Trade

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Hearing on the P.A.S.T. Act
HR1518

Testimony of
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I would like to thank Chairman Terry and Ranking Member Schakowsky, and distinguished members of the sub committee for giving me the opportunity to testify here today. My name is Donna Benefield. I have been involved in the administration of four U.S.D.A. certified inspection programs over the past twenty-five years. I have inspected thousands of horses for compliance with the Horse Protection Act (HPA) and its regulations. I have been in hundreds of meetings here in Washington, with the U.S.D.A. and the Tennessee Walking Horse (TWH) industry, to achieve reform in the industry and compliance with the federal law.

When Congress passed the Act in 1970, their intent was to eradicate soring, not regulate it, as is being done today under the current HPA regulations. On April 27, 1979, the Federal Register published the following:

".....if the horse industry makes no effort to establish a workable self-regulatory program for the elimination of sore horses or if such a program is established but does not succeed in eliminating the sore horse problem within a reasonable length of time, the Department will give serious consideration to the prohibition of all action devices and pads." (See exhibit #1)

This industry has had over 40 years to rid itself of this abuse, and for numerous reasons has not only resisted, but has refused reform at every turn. They have maintained, controlled and regulated soring through fear and intimidation for many years. Back in the 1980's there were headlines on the front page of the Nashville Tennessean Newspaper, above the fold, regarding death threats on me and the FBI became involved

and arranged protection for my husband and me for years. In the 1990's we had a horse killed. Years later another horse was poisoned at a horse show.

I would like to quote the American Veterinary Medical Association's (AVMA) response to the TWH industry claims:

TWH industry: "Only a few bad actors," "Incidence of soring is less than 1%," and "Chains and pads aren't bad, it's the people who abuse them."

*AVMA: "With respect to "a few bad actors," we'd have an easier time believing that if we didn't have evidence of a culture of abuse that has existed for more than four decades. When you have **37 of the 52 horses** at the 2011 National Celebration testing positive for one or more anesthetic agents; convictions of trainers like **Barney Davis** and **Jackie McConnell** (now with a lifetime disqualification); a **9% HPA violation rate** at the 2012 National Celebration (virtually no change from the 9.5% rate at the 2011 event); and violation detection rates that are consistently 5 to 10 times higher when USDA is present at shows to inspect, compared with shows where the industry self-polices; it becomes apparent that this is not "a few bad actors," it's a real industry problem." (See exhibit #2, 31, 36 & 38):*

"A few bad actors" as an example would be former and current leaders in the industry, including industry veterinarians. **(See exhibit #43, 44, 45, 47 & 48)**

Due to time constraints, I'm going to share with you only a few things that are done to these horses to enhance their gait through soring and what is done to avoid detection of a violation of the HPA.

What they do to sore a horse (See exhibit #3, 17 & 37):

- **Apply chemicals** to the pasterns (ankles), the cannon bone (shin) of the horse, such as oil of mustard, croton oil, kerosene, lighter fluid, diesel fuel, salicylic acid, WD-40, various types of soaps (dish soap, GoJo, etc.), DMSO, only to name a few. Then wrap the legs in plastic for 24 to 48 hours. During this process, he is often times too sore to stand up in the stall so they tie them to the wall so they will not lie down or try to chew the wraps off their burning legs, due to the excruciating pain. **(See exhibit #16, 31 & 35)**

- **They will grind the soles** of the feet using an electric grinder, until beads of blood come to the surface, before they apply the stack or shoe. On flat shod horses, they will put false soles over the real soles of the horse's hoof to cover up the abuse. **(See exhibit #18)**
- **There will be claims that there have been no tickets for a pressure-shod horse.** This is false. When a horse is found to be pressure shod or sore in the soles of his feet, the ticket is written as a bilateral sore ticket, not pressure shoeing. **(See exhibit #4 & 4a)**
- **They will apply an alligator clip to** the scrotum, anus, vulva, tongue, tail, or the tits of the horse to create a painful distraction during inspection. **(See exhibit #5)**
- **They will insert foreign objects** between the soles of the horses' feet and the stacks, such as acrylic substances that when intentionally mixed improperly harden like steel and the result is like walking with a rock in your shoe. These are undetectable on the padded horses. **(See exhibit #6)**
- **They will put blocks made of things such as wood,** golf balls, quarters stacked and wrapped in electrical tape, wedges of wood or plastic, seated under the sole of the foot. If the U.S.D.A. is not present they may leave these items in place. They will remove them prior to inspection. **(See exhibit #7)**
- **They will stand a horse on steel bolts or wooden blocks on the sole** of the foot. The horse is tied to a wall so he cannot lie down and is forced to stand on these for hours or days. They are then removed before the horse is shown, but the pain created lasts through the performance. Because the stacks or shoes obstruct access to the sole of the hoof, the effects of this abuse are impossible to detect. **(See exhibits #7 and #8)**
- **They will sand a strip of the hoof wall** down to the quick, and then apply a pad (called a nail on pad) to the bottom of the foot, then attach a stack to this pad. A band is then applied across the top of the area of sanded hoof and tightened down to create pressure on the sensitive sole and hoof wall. **(Exhibit #9 & 10)**
- **I have seen this band sheer off the hoof** near the cornet band in the show ring numerous times, leaving the horse standing on a bloody nub in a pool of blood, in the show ring. At a recent seminar,

one of the industry vets instructed attendees on what supplies to have in their grooming kit, so that they're prepared for when this happens. **(Exhibit #9, 10, 11 & 29)**

Reasons why these things are not detected during inspection:

- **They steward the horses.** Stewarding is when a person will do a mock inspection of the horse's pasterns and another person will hold the horse. When the horse reacts to the pain, the person will hit the horse in the head with a 2 x 4, an axe handle, a baseball bat, among other things, until he stops reacting to the pain. He then has been taught not to react to inspection at the horse show. (As seen on the ABC Nightline Show, with Jackie McConnell)
- **They use numbing agents applied topically or injected** by the trainer or a sympathetic industry vet to block the pain, so the horse will not display a pain response during inspection. **(See exhibit #43 & 44)**
- **They put zip ties or piano wire on the gums** of the horse and pull them real tight creating pain to take their mind off of the pain in their feet. **(See exhibit #12)**
- **They put surgical staples under the mane** on the neck of a horse, to create pain and to distract the horse from the pain in his feet.
- **They stand their horses in a bucket of ice water** before going thru inspection to numb them and not be detected by swabbing, when the U.S.D.A. is present and swabbing the horses' pasterns for foreign substances.
- **They use Black Magic spray, tattoo ink, graphite, glue-on hair** to hide illegal scars, just to name a few.
- **They put bit burrs under the saddle girth** and cinch the girth up real tight to create pain somewhere other than their feet. U.S.D.A. had to adopt a rule that all saddles must be removed before inspection, because of the prevalence of this practice. **(See exhibit #13 & 14)**
- **They use sunblock to help to interfere** with the thermograph machine.
- **They inject the horses with drugs** to enable the horse to pass the locomotion and palpation exam.

- **They time their drugs and soring techniques to establish a window.** They practice back at the barn establishing how long the drug or numbing agent will last. They then establish a window for the soring agent, in order to time its effect in and out of the show ring.

The industry claims that the 6 oz. chain will not cause any damage to a horse's leg. One must ask, then how are all these horses developing all these scars on the backs of their pasterns? **(See exhibit #15, 19, 20, & 23)**

- **Salicylic acid is used** to assist in keeping the leg scar free and create the appearance of compliance. They slather a paste of salicylic acid and alcohol, Cut-Heal, or DMSO, etc. onto the pastern, wrap them in plastic for 24 to 48 hours. The horse will typically lie in his stall, breaking out in a sweat, moaning with pain, and resists getting to its feet. They then have to go into the stall and beat the horse to his feet as was seen on the ABC Nightline Jackie McConnell Show. After 48 hours, they take the wraps off and the skin begins to slough off. They then begin the tedious process of literally combing the skin off the leg, thereby hopefully putting the horse back into compliance with the current HPA Scar Rule regulation.

The pads or stacks used on the horses feet can weigh anywhere from a few pounds to as much as 15 lbs., depending upon the amount of lead they add to the bottom of the stack or insert into the interior of the stack, so as to be undetected by the examiner. **(See exhibit #25 & 26)** The flat shod shoe can weigh from 2 lbs. to 10 lbs. depending upon the type of stock they are made from. **(See exhibit #24)**

The AVMA and American Association of Equine Practitioners (AAEP) recently issued a statement on the impact of pads and chains:

*"What the [science](#) says is that raising the heels (placing a horse on pads and wedges) 8 degrees can cause the horse to stumble and tire easily. Additionally, **horses placed on pads and wedges showed inflammation in the flexor tendon area of the pastern. Chains that weigh 6 ounces will start to cause hair loss without the use of chemical irritants.** Chains heavier than 6 ounces used on horses that have been previously sore will cause open lesions within two weeks. We're happy to say we did our homework and, yes, the science that's available appears to support our position. However, the industry has (once again) missed the point of the AVMA's and AAEP's decision. The AVMA's and AAEP's primary concern is that chains and pads are used to exacerbate and/or hide soring. **And they can do so***

irrespective of their size and/or weight.” (See exhibit #2, 28 & 39)

In closing, there are several U.S.D.A. certified horse industry inspection programs (HIO) that have such a lengthy history of non compliance that they are on notice from the U.S.D.A. to be decertified. **(See exhibit #32, 33 & 34)**

For all of these reasons, we have endorsed this amendment and are here today asking for the passage of the HR1518 Amendment, to correct this chronic situation. **(See exhibit #30)**

Thank you.

Attached - pictures of the “Big Lick” gait. **(See exhibit #27, 38, 39, 40 & 41)**

Attached - pictures of a sound natural Tennessee Walking Horse gait. **(Exhibit #42)**